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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
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10/824,622

04/15/2004

Mike Towle

66116-038-7

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08/14/2006

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EXAMINER

HOEY, ALISSA L

ART UNIT

PAPER NUMBER

3765

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/824,622 | <b>Applicant(s)</b><br>TOWLE ET AL. |  |
|                              | <b>Examiner</b><br>Alissa L. Hoey    | <b>Art Unit</b><br>3765             |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 is/are allowed.
- 6) ☒ Claim(s) 7-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This is in response to amendment received on 06/13/06. Claims 1 and 7-9 were amended. Claims 1-10 are examined below.

### ***Specification***

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: in claim 7 there is no antecedent basis for the “unconnected front and rear vertical pleats”.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Inman (US 1,177,952).

In regard to claim 9, Inman teaches a liner capable of being attached to an outer shell of a fire protective coat (figure 1 and 2). The liner (12) including an inner thermal layer of elastic tape (page 2, lines 55-66) and an outer layer of material that inherently provides to a degree a moisture barrier (1). The moisture barrier layer (1) including a body portion and right and left sleeves (4) connected to the body portion (figure 1). The

body portion including a back portion having right and left darts therein respectively near the right and left sleeve (figure 1 and 2). Front and rear darts extending from longitudinal seams in each of the right and left sleeves near the body portion (figures 1 and 2).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inman.

Inman teaches a garment as described above in claim 9. Further, Inman teaches the front and rear darts extending from longitudinal seams in the right and left sleeves being in register with each other (page 1, lines 71-79). However, Ferreiro fails to specifically teach the front and rear darts in the right and left sleeves being located between 1 and 3 inches from the body portion.

It would have been obvious for the front and rear darts in the right and left sleeves being located between 1 and 3 inches from the body portion because depending upon the size of the garment and the spacing of the darts, the darts are capable of being 1 and 3 inches from the body portion. As long as the darts located on the right and left sleeves provide greater mobility to the user of the garment the spacing of the darts would be chosen based upon size of the user and garment.

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5. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inman (US 1,177,952) in view of Harvey (US 4,509,213).

In regard to claim 7, Inman teaches a coat (1) that is capable of being worn as an outer shell for a fire protective coat. A body portion formed by right and left front panel and a back panel and right and left sleeves attached to the body portion (figures 1 and 2). The back panel including a right vertical pleats (6) extending downwardly from a shoulder seam (3) near the right sleeves and a left vertical pleat extending downwardly from the shoulder seam near the left sleeve (figures 1 and 2). The right and left sleeves including pleats extending downwardly from longitudinal seams (5) on the sleeve and the pleats located near the body portion (figures 1 and 2).

However, Inman fails to teach a front and rear longitudinal seams extending along the sleeves with darts extending from both of the longitudinal seams on each sleeve. Further, Inman fails to teach unconnected vertical pleats.

With respect to the pleats in the sleeves being unconnected. Applicant has not provided in the specification any criticality or unexpected results arising from the pleats in the sleeves being unconnected. As long as the pleats provide the user that ability to extend and move their arms around comfortably while wearing the garment the pleats can be connected or unconnected as desired.

Harvey teaches two longitudinal seams extending along an appendage portion of a garment with pleats (15) extending on both sides of the longitudinal seams (13).

In regard to claim 8, Inman teaches the longitudinal seams extending along the sleeve portions are in register with each other (figures 1 and 2). It would have been

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obvious that if the garment of Inman had two longitudinal seams on each sleeve portion, the right and left sleeve constructions including the seam would be in register with each other.

It would have been obvious to have provided the pleated coat of Inman with the second longitudinal seams on the sleeves of Harvey, since the second longitudinal seams provided on the sleeves of Inman would provide a pleated garment that has start and stop points of the pleated portions so that the pleats extend along specific locations providing increased movement of the garment.

***Allowable Subject Matter***

6. Claims 1-6 are allowed.

***Response to Arguments***

7. Applicant's arguments filed 06/13/06 have been fully considered but they are not persuasive.

I). Applicant argues that Inman and Harvey fails to teach unconnected vertical pleats.

With respect to the pleats in the sleeves being unconnected. Applicant has not provided in the specification any criticality or unexpected results arising from the pleats in the sleeves being unconnected. As long as the pleats provide the user that ability to extend and move their arms around comfortably while wearing the garment the pleats can be connected or unconnected as desired.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

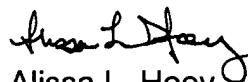
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa L. Hoey whose telephone number is (571) 272-4985. The examiner can normally be reached on M-F (8:00-5:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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